



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

June 12, 2014

Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in  
Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls.

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**ORDER ON MOTION FOR EXTENSION OF TIME  
TO FILE A MOTION TO COMPEL IC SOLUTIONS' RESPONSES**

On May 30, 2014, the Petitioners in this investigation filed a Motion for Extension of Time to File a Motion to Compel IC Solutions' Responses ("Motion"). The Petitioners request that the Department extend the deadline in which they can file a motion to compel to June 13, 2014. Motion at 1. On June 6, 2014, Inmate Calling Solutions, LLC ("IC Solutions") filed its Opposition of Inmate Calling Solutions, LLC to Petitioner's [sic] Motion for Extension of Time to File Motion to Compel IC Solutions [sic] Responses ("Opposition").

According to the Petitioners, they received IC Solutions' discovery responses by email on April 29, 2014, but never received hard copies of the same.<sup>1</sup> Motion at 1. The Petitioners state that their attorneys did not see the email containing IC Solutions' discovery responses, and that one of Petitioners' attorneys was not included in the April 29 email. According to the Petitioners, "Counsel for Petitioners assumed, given IC Solutions' limited role to date, that the

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<sup>1</sup> In its Opposition, IC Solutions claims that "nowhere does it state [in the February 27, 2014 Procedural Order] that hardcopies are required for the parties." Opposition at 1. In its Procedural Order, the Department clearly states: "Where material is exchanged by means of fax or other electronic means, a follow-up copy of the material must be delivered by mail or by hand." Procedural Order at 3.

company had chosen not to respond.” Motion at 1. It was not until May 28, 2014<sup>2</sup> that the Petitioners became aware they had received IC Solutions’ discovery responses on April 29. Motion at 1; Opposition at 1.

In their Motion, the Petitioners do not explain why their attorneys did not see IC Solutions’ email containing discovery responses; whether the attorney who had not received the email would have noticed the email; or whether the Petitioners asked IC Solutions for an extension of time once it discovered the email. Importantly, the Petitioners also do not explain why they did not file a motion to compel discovery responses from IC Solutions immediately upon concluding that IC Solutions had chosen not respond.

220 C.M.R. § 102(5) permits a Hearing Officer within his discretion to extend a deadline for good cause shown. The Petitioners have not provided this Hearing Officer with good cause to extend the deadline. Indeed, the Petitioners appear unsure whether they even need an extension. Motion at 1 (“The Petitioners require time to [...] prepare a motion to compel, if needed.”). The Petitioners may amend their Motion with a sufficient explanation for why they need a deadline extension and a proposed motion to compel. The Petitioners’ request must include a reasonable amount of time for IC Solutions to respond to the motion to compel.

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<sup>2</sup> In their Motion, Petitioners state that their attorneys conferred with IC Solutions’ attorneys on March 28, 2014 regarding IC Solutions’ April 29 discovery responses. Motion at 1. The Department assumes Petitioners mean May 28, 2014.

As the Petitioners have not shown good cause, the Department hereby DENIES  
Petitioners' Motion for Extension of Time to File a Motion to Compel IC Solutions' Responses.  
The Petitioners may amend their Motion until 5:00 pm on June 13, 2014.

/s/ Kalun Lee  
Kalun Lee  
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this  
Ruling to the Commissioner by filing a written appeal with supporting documentation within five  
(5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response  
to any appeal must be filed within two (2) days of the appeal.